

AUG 02 2005

Attorney Dkt. No. 51275/152

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:

Theoharis C. Theoharides

Filing date: 3/30/2004

Serial No.: 10/811,859

Group Art Unit: 1655

Examiner: Patricia A. Leith

Priority from copending PCT/US02/00476, filed 01/03/2002,
copending USSN 09/771,669, filed 01/30/2001, and USSN 09/056,707, filed
4/8/1998, now USPN 6,689,748, issued 2/10/2004

For: Olive Kernel Organic Extract Product: Solubility and Absorption Promoter

RESPONSE TO RESTRICTION REQUIREMENT AND CORRECTION OF FILING
RECEIPT

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

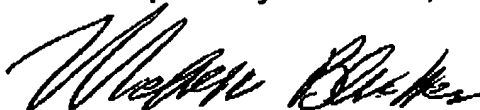
The Restriction Requirement for claim 43 dated 07/27/2005 is traversed

Hexane, heptane and octane are simply members and obvious variants of a group of organic compounds referred to as acyclic, medium chain length, straight chain hydrocarbons of the general formula of $\text{CH}_3-(\text{CH}_2)_n-\text{CH}_3$, wherein in hexane $n=4$, in heptane $n=5$ and in octane $n=6$ (see exhibit page from the Handbook of Chemistry and Physics, 49th ed). As can be seen, these hydrocarbons differ from each only by a single methylene group. Their solubility properties are virtually identical. Thus, this group is perfectly suited to a Markushian claim, and its members do not create patentably distinct inventions. It would be appropriate to withdraw the Restriction Requirement.

However, to fulfill the requirement 37 CFR 1.143, hexane is provisionally elected, and this reads only on claims 43 and 48.

In addition, on 10/26/2004, on 11/17/2004 and again on 05/05/2005, the applicant requested correction of the Filing Receipt to show the correct title of the application. We have yet to receive a corrected Filing Receipt.

Respectfully submitted,



Date: 08/02/2005

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DEFINITIVE RULES FOR NOMENCLATURE OF ORGANIC CHEMISTRY

IUPAC 1957 Rules.

Section A. Hydrocarbons

Section B. Fundamental Heterocyclic Systems

These rules are taken from 'Definitive Rules for the Nomenclature of Organic Chemistry' which were adopted unanimously by the Commission on Nomenclature and by The Council of the International Union of Pure and Applied Chemistry at Paris 1957, and subsequently published by Butterworths Scientific Publications on behalf of the Union. The extracts are printed here by permission of the Union and of Butterworths Scientific Publications. Future 'tentative' rules will be published in the Bulletin of the Union, and when made 'definitive' in its Journal 'Pure and Applied Chemistry.'

RULES

A. HYDROCARBONS

Acyclic Hydrocarbons

A-1

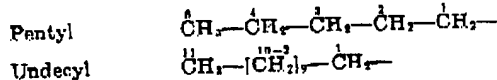
1.1.—The first four saturated unbranched acyclic hydrocarbons are called methane, ethane, propane and butane. Names of the higher members of this series consist of a numerical prefix and the termination "-ane." Examples of these numerical prefixes are shown in the table below. The generic name of saturated acyclic hydrocarbons (branched or unbranched) is "alkane."

Examples:

n		n		n		n	
1	Methane	12	Dodecane	22	Docosane	32	Dotriacontane
2	Ethane	13	Tridecane	23	Tricosane	33	Tritriacontane
3	Propane	14	Tetradecane	24	Tetracosane	40	Tetracontane
4	Butane	15	Pentadecane	25	Pentacosane	50	Pentacontane
5	Pentane	16	Hexadecane	26	Hexacosane	60	Hexacontane
6	Hexane	17	Heptadecane	27	Heptacosane	70	Heptacontane
7	Heptane	18	Octadecane	28	Octacosane	80	Octacontane
8	Octane	19	Nonadecane	29	Nonacosane	90	Nonacontane
9	Nonane	20	Eicosane	30	Triacosane	100	Hectane
10	Decane	21	Heneicosane	31	Hentriacontane	132	Dotriacontahectane
11	Undecane						

1.2.—Univalent radicals derived from saturated unbranched acyclic hydrocarbons by removal of hydrogen from a terminal carbon atom are named by replacing the ending "-ane" of the name of the hydrocarbon by "-yl." The carbon atom with the free valence is numbered as 1. As a class, these radicals are called normal, or unbranched-chain, alkyls.

Examples:



A-2

2.1.—A saturated branched acyclic hydrocarbon is named by prefixing the designations of the side chains to the name of the longest chain present in the formula.

Example:

